Mail Stop Interference P.O. Box 1450 Alexandria Va 22313-1450

Tel: 571-272-4683 Fax: 571-273-0042 Paper 30 Filed: 6 July 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Institut National de la Recherche Agronomique, Junior Party (Application 10/613,053

Inventors: Jun Imamura, Hideya Fujimoto, Ritsuko Yanagidate, Nobuya Koizuka, Takako Sakai and Takahiko Hayakawa),

v.

BASF Plant Science GMBH, McGill University, and DNA Landmarks, Inc.,
Senior Party
(Patent 7,314,971

Inventors: Fang-Ming Lai, Charles Dendy, Natasa Formanova, Gregory G. Brown, Benoit S. Landry, Wing Cheung, Hua Jin and Martin LaForest).

Patent Interference No. 105,682 (RES) (Technology Center 1600)

Redeclaration

1	In view of the conference call held June 29, 2009, (See Paper 29) this				
2	interference is redeclared in order to correct an error in claim				
3	correspondence. In Paper 26, Agronomique's Claims 101 and 104 were				
4.	inadvertently left off the listing of Agronomique's claims corresponding to				
5	the count. Those claims were originally identified as not corresponding to				
6	the count. Paper 24, p. 3. However, as noted in Paper 26, Agronomique's				
7	Claims 53 and 103 should have been designated as not-corresponding rather				
8	than 101 and 104. When the interference was redeclared, designating				
9	Claims 53 and 103 as not corresponding to the count, the listing of				
10	Agronomique's claims corresponding to the count was not correctly updated				
11	to reflect the change. Paper 26, p. 3. That oversight has now been				
12	corrected.				
13	Identification and order of the parties				
14	•	Junior Party			
15 16 17 18 19 20	Named inventors:	Jun Imamura Hideya Fujimoto Ritsuko Yanagidate Nobuya Koizuka Takako Sakai Takahiko Hayakawa			
21	Involved Application:	10/613,053 filed July 7, 2003			
22 23 24	Title:	Protein Involved in Restoration of Cytoplasmic Male Sterility to Fertility and Gene Encoding the Protein and Gene			
25	Assignee:	Institut National de la Recherche Agronomique			

1	Senior Party					
2 3 4 5 6 7 8 9	Named Inventors:	Charles I Benoit S. Wing Ch Hua Jin Fang-Min	. Landry eung ng Lai ormanova			
10 11	Involved Patent:	7,314,971 issued from Application 10/345,072 filed January 15, 2003				
12 13	Title:	Nuclear Fertility Restorer Genes and Methods of use in Plants				
14 15 16	Assignees of Record:	BASF Plant Science GMBH McGill University DNA Landmarks, Inc.				
17	Count, claims and benefit of the parties					
18	Count 1					
19	An isolated nucleic acid which encodes a protein that restores fertility					
20	to cytoplasmic male sterile plants, the nucleic acid comprising (1) Seq. ID					
21	No:2 of Application 10/613,053 or (2) nucleotides 164,311 to 174,022 of					
22	Seq. ID No: 87 of Patent 7,314,971, the protein comprising (1) amino acids					
23	1 to 687 of Seq. ID No:3 of Application 10/613,053 or (2) the sequence of					
24	amino acids 1 to 687 of Seq. ID No:179 of Patent 7,314,971.					
25 -	The claims of the parties	•				
26 27 28	Application 10/613	3,053:	Claims:	24-26, 28, 29, 32, 34, 37-41, 43, 44, 47, 53, 54, 59, 63, 64, 73-106		
29	Patent 7,314,971:		Claims:	1-18		

1	The claims of the parties which correspond to Count 1:					
2 3 4	Application 10/613,053:	Claims:	24-26, 28, 29, 32, 34, 37-41, 43, 44, 47, 53, 59, 63, 64, 73-102, 104-106			
5	Patent 7,314,971:	Claims:	1-18			
6 7	The claims of the parties which do not correspond to Count 1, and, therefore, are not involved in the interference:					
8	Application 10/613,053:	Claims:	54, 103			
9	Patent 7,314,971:	Claims: None				
10 .	The parties are accorded the following benefit for Count 1:					
11	Application 10/613,053:	None				
12	Patent 7,314,971:	None				
13			·			
14			·			
15						
	/Richard E. Schafer/ Administrative Patent Judge					
	cc (e-mail):					
	Attorney for Agronomique: Attorney for BASF et al:					
	Kenneth J. Burchfiel, Esq. William J. Simmons, Esq. SUGHRUE MION, PLLC 2100 Pennsylvania Ave., NW, Suite 800 Telephone: (202) 293-7060 Facsimile: (202) 293-7860	T 1 P V P	CONNOLLY BOVE LODGE & HUTZ LLP The Nemours Building 007 North Orange Street 2.O. Box 2207 Vilmington, DE 19899 Thone: (302) 658-9141 Tax: (302) 658-5614			